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Application Number	10/082,794
Filing Date	February 22, 2002
First Named Inventor	David Bau III
Art Unit	2192
Examiner Name	Rutten, James D.
Attorney Docket Number	109870-130096

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	August 3, 2006	Reg. No.	56,826

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Attorney Reference: 109870-130096 *Patent*
PG No: P008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Bau et al.

Application No.: 10/082,794

Filed: February 22, 2002

For: ANNOTATION BASED DEVELOPMENT PLATFORM FOR STATEFUL WEB SERVICES

Examiner: Rutten, James D.

Art Unit: 2192 Conf. No. 2046

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REPLY TO EXAMINER'S ANSWER

Dear Sir:

Appellants respectfully reply to the Examiner's answer as follows:

(A) In "Response to Argument," part I, the Examiner maintains that claims 1-52 were properly provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. In particular, the Examiner notes that claim 4 of the '807 application recites "a stateful conversation between the client and the web service ..."

While Appellants continue to maintain that the rejection is improper and that no terminal disclaimer is necessary, Appellants will provide the Examiner with a terminal disclaimer if the appeal process terminates with a holding that Appellants' claims are allowable in their current form.

(B) In "Response to Argument," part II, the Examiner maintains that claims 1-4, 10-12, 15-17, 22-24, 26, 31, 32, 34, 36, 38-39, 41, 44-46, and 48 were properly provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. In particular, the Examiner notes that the '492 application claims each of the elements of claims 1-4, 10-12, 15-17, 22-24, 26, 31, 32, 34, 36, 38-39, 41, 44-46, and 48 of the instant application.

While Appellants continue to maintain that the rejection is improper and that no terminal disclaimer is necessary, Appellants will provide the Examiner with a terminal disclaimer if the appeal process terminates with a holding that Appellants' claims are allowable in their current form.

(C) In "Response to Argument," part III, the Examiner maintains that claims 1, 4, 10, 11, 16, 17, 22, 38-39, and 44 were properly rejected as anticipated by BEA WebLogic under 35 U.S.C. §102(b). More specifically, on page 9 of the Examiner's Answer, the Examiner asserts that Appellants impermissibly read the term "automatically" into Claim 1's limitation of "specifying one or more declarative annotations to cause a compiler to generate one or more persistent components..." The Examiner then further maintains that BEA WebLogic teaches both declarative annotations and the generation by a compiler of one or more persistent components.

Even conceding, for the sake of argument, that the JavaBeans of BEA WebLogic are persistent components generated by a compiler, and that the JavaBean codes include declarative annotations, Appellants nonetheless maintain that BEA WebLogic simply does not teach "specifying one or more declarative annotations **to cause** a compiler to generate one or more persistent components..." (emphasis added). WebLogic merely discloses that a developer may manually cause a compiler to generate JavaBeans. Nothing in WebLogic expresses or

requires that the compiler generate the JavaBeans in response to any other cause but manual initialization by the developer.

In contrast, as claimed in claim 1, the declarative annotations **cause** the compiler to generate the persistent components. Thus, the above cited language inherently requires that declarative annotations, not a developer, be the cause of the compilation. By using the term "automatically" in previous responses, Appellants simply meant to indicate that compilation cannot be manually initiated. If compilation is manually initiated, then the declarative annotations cannot be said to "cause a compiler to generate," as is claimed by claim 1. Accordingly, the manually initiated generation taught by WebLogic is implicitly excluded by claim 1, which inherently requires automatic generation caused by declarative annotations.

(D) In "Response to Argument," part IV, the Examiner maintains that claims 2-3, 5-9, 12-15, 18-21, 23-37, 40-43, and 45-52 were properly rejected as obvious under 35 U.S.C. §103(a). More specifically, the Examiner notes that Appellants' arguments are based on the arguments that the Examiner's §102(b) rejection was improper, and states that those §102(b) arguments are not persuasive for the reasons provided in part III of the Examiner's Answer.

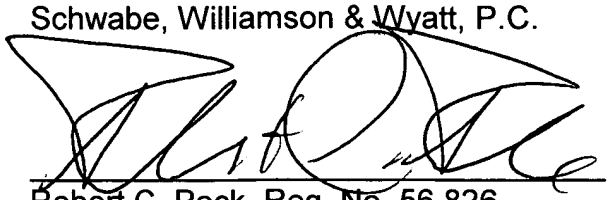
In response, Appellants continue to maintain that the other references cited by the Examiner do not cure the deficiencies of BEA WebLogic discussed above. Accordingly, for at least that reason, claims 2-3, 5-9, 12-15, 18-21, 23-37, 40-43, and 45-52 are patentable under 35 U.S.C. §103(a).

Conclusion

As Applicant has set forth in the brief, the Examiner has erred in his rejections. Accordingly, Applicant respectfully requests that the Board reverse the Examiner's rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.



Date: August 3, 2006

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